

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>MICHAEL BURKE,</b> <i>Plaintiff</i>	:	<b>CIVIL ACTION</b>
	:	
v.	:	
	:	
<b>PA DOC, et al.,</b> <i>Defendants</i>	:	<b>No. 23-2598</b>
	:	

**ORDER**

**AND NOW**, this 18th day of June, 2024, after considering the petition under 28 U.S.C. § 2254 for writ of habeas corpus (ECF No. 1), Respondents’ Answer to Petition for Writ of Habeas Corpus (ECF No. 9), the other documents filed by the parties, and after review of the Report and Recommendation of United States Magistrate Judge Scott W. Reid (ECF No. 13), to which neither party objects, it is hereby **ORDERED** that:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**.
2. The Petition for Writ of Habeas Corpus (Doc. No. 1) is **DENIED IN PART** and **DISMISSED IN PART**, as outlined in Judge Reid’s Report and Recommendation.
3. Plaintiff’s Motion to Acknowledge Acquiescence (ECF No. 6), Motion for the Appointment of Counsel (ECF No. 10) and Defendant’s Motion for Extension of Time to File Answer (ECF No. 8) are **DENIED** as **MOOT**.
4. There is no probable cause to issue a certificate of appealability.<sup>1</sup>
5. The Clerk of Court is **DIRECTED** to mark this case as **CLOSED**.

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<sup>1</sup> Because jurists of reason would not debate the disposition of Mr. Burke’s claims, no certificate of appealability should be granted. *See Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (“Where a district court has rejected the constitutional claims on the merits, the showing required to satisfy § 2253(c) is straightforward: The petitioner must demonstrate that reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong.”).

**BY THE COURT:**

**/s/ Hon. Kelley B. Hodge**

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**HODGE, KELLEY B., J.**